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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/058,496	04/10/98	MICHAUD	07844/273001

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WM02/0723

EXAMINER
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BASHORE, W

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 07/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/058,496

Applicant  
Michaud et al.

Examiner  
William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 7, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 13, 15-18, 20-22, and 24-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 13, 15-18, 20-22, and 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed on 5/7/2001 to the original application filed on 4/10/1998. IDS filed on 7/19/1999, and 11/30/2000. No priority or provisional filing date is claimed.
2. The objection to the Specification as lacking the necessary reference to the prior application has been withdrawn by the Examiner.
3. The rejection of claims 12, 15 under 35 U.S.C. 112, second paragraph as being indefinite has been withdrawn as necessitated by amendment.
4. Claims 1-9, 13, 17-18, 20, 22, 26-27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit.
5. Claims 12, 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit and White.
6. Claims 15-16, 24-26 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit and Nielsen.
7. Claim 28 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit and Habermehl.
8. Claims 1-9, 12-13, 15-18, 20-22, 24-30 are currently pending in this case. Claims 10, 19, 23 have been canceled. Claims 29, 30 have been added. Claims 1 and 5 are independent claims.

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***Claim Rejections - 35 USC § 103***

9. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-9, 13, 17-18, 20, 22, 26-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit Imagemap Editing Software (hereinafter Mapedit), Version 2.3 for Windows 3.1, 1997 by Boutell.Com, Inc. URL: <http://www.boutell.com/mapedit>, pp.1-19.**

**In regard to independent claim 1**, Mapedit teaches image mapping of a selected file (Mapedit Figure 9 paragraph 1,2). Mapedit does not specifically teach the inputting of a graphic file containing layers. However, Mapedit teaches the saving of edited overlapping layered image regions (Mapedit Figures 17-19; compare with claim 1 “*a layer in an electronic artwork having a plurality of layers*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to input said image mapped graphic, because of Mapedit’s taught advantage of reopening and editing such files.

Mapedit teaches user selection of a layer, and Mapedit teaches an image containing non-transparent, as well as transparent layers within an image (Mapedit Figures 17, 18; compare with claim 1 “*receiving from a user an input selecting...of one or more non-transparent regions in a transparent frame*”).

Mapedit teaches a method whereby areas of a graphic file are portioned, with a specific URL assigned to each portion so as to activate a URL when an area is selected, and Mapedit teaches a non-transparent region defining a hot spot region (Mapedit Figures 4, 5, 10, 17, 18; compare with claim 1 “*for*

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*the selected area of the artwork....a boundary of the one or more non-transparent regions in combination;” and “assigning an action to the area, the action defining a function that is to be activated when the area is selected.”).*

Mapedit teaches a method of an image map, whereby a selected region (area) is selected, resulting in an action mapped from said region corresponding to a portion of an image (Mapedit Figure 17; compare with claim 1 “*associating the area and the action with the selected layer as a property of the selected layer in the electronic artwork*”).

**In regard to dependent claim 2,** Mapedit teaches a method of assigning a URL to a selected region (Mapedit Figure 5; compare with claim 2).

**In regard to dependent claim 3,** Mapedit teaches compositing of images (Mapedit Figure 17; compare with claim 3 “*compositing the layers of the artwork*”).

In addition, Mapedit teaches a method of converting a hotspot area along with associated URLs to an HTML file format (Mapedit Figure 16; compare with claim 3 “*converting the area and the action to a target output format.*”).

**In regard to dependent claim 4,** Mapedit teaches a method of converting a hotspot area along with associated URLs to an HTML file format (Mapedit Figure 16; compare with claim 4).

**In regard to independent claim 5,** Mapedit teaches image mapping of a selected file (Mapedit Figure 9 paragraph 1,2). Mapedit does not specifically teach the inputting of a graphic file containing layers.

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However, Mapedit teaches the saving of edited overlapping layered image regions, with defined hotspot regions (Mapedit Figures 17-19; compare with claim 5 “*receive an electronic artwork having a plurality of layers, each layer having transparency information defining one or more non-transparent regions in the layer in a transparent frame*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to input said image mapped graphic, because of Mapedit’s taught advantage of reopening and editing such files.

Mapedit teaches user selection of a layer (Mapedit Figures 17, 18; compare with claim 5 “*receive from a user an input selecting one of the plurality of layers*”).

Mapedit teaches a method whereby areas of a graphic file are portioned, with a specific URL assigned to each portion so as to activate a URL when an area is selected, said area defined by a boundary (Mapedit Figures 4, 5, 10; compare with claim 5 “*for the selected layer of the artwork....regions in combination*” and “*assign an action to an area defining a function that will be activated when the area is selected*”).

**In regard to dependent claim 6**, Mapedit teaches a method of creating a polygon-shaped area on a graphics file by creating boundaries via a mouse, said boundaries created until an enclosed polygon is created, said area within said enclosed polygon reverses color when subsequently activated via said mouse (Mapedit Figure 5, 10, 12; compare with claim 6)

**In regard to dependent claims 7 and 8**, claims 7 and 8 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 3 and 4, respectively, and are rejected along the same rationale.

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**In regard to dependent claim 9**, Mapedit teaches a method whereby a mapped image is presented (Mapedit Figure 17). Mapedit does not specifically teach the saving of a composited image as an image file. However, since Mapedit teaches the presentation and saving of an image with different mapped layers, with both said image and said layers reproducible within the Mapedit editor environment, it would have been obvious to one of ordinary skill in the art at the time of the invention to save said layers as an image file, because of Mapedit's taught advantage of the presentation and saving of layers with images.

In addition, Mapedit teaches a method of saving an HTML file including an associated graphics file and a hotspot with associated URLs (Mapedit Figures 2, 16; compare with claim 9 lines 4-6).

**In regard to dependent claim 13**, Mapedit teaches the calculation of dynamic content for a selected layer before the area is calculated, since it is known in the art that currently edited information is considered dynamic information until saved, Mapedit's calculation and formulation of hotspots is based upon dynamic content, prior to saving.

**In regard to dependent claim 17**, Mapedit teaches a method whereby a hole is created subsequent to the creation of three imagemap shapes, said hole can be ignored by selecting delete from the default URL box so that no action is performed subsequent to the activation of said hole (Mapedit Figure 15; compare with claim 17).

**In regard to dependent claim 18**, Mapedit teaches a method whereby a hole is created subsequent to the creation of three imagemap shapes, said hole is designated as a hotspot region by selecting a default URL from the default URL box so that an action is performed subsequent to the activation of said hole

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(Mapedit Figure 15; compare with claim 18 "*separate regions having no holes are created if the region has holes*").

In addition, Mapedit teaches a method whereby the imagemap created during a user session, including default regions (holes), are collectively used to define an imagemap of a graphical image (Mapedit Figure 15; compare with claim 18 "*the separate regions in combination contribute to the definition of the area.*").

**In regard to dependent claims 20, 22, 26-27,** claims 20, 22, 26-27 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 11, 13, 17-18, respectively, and are rejected along the same rationale.

**In regard to dependent claim 29,** Mapedit teaches an artwork graphic as an image file, as well as an HTML file with image map and URL (Mapedit Figure 2; compare with claim 29).

**In regard to dependent claim 30,** Mapedit teaches an action as a URL (Mapedit Figure 5; compare with claim 30).

11. **Claims 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit as applied to claims 1 and 5 above, and further in view of White et al. (hereinafter White), U.S. Patent No. 6,034,689 issued March 2000.**



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**In regard to dependent claim 12**, Mapedit teaches a method whereby areas of edited graphic file are portioned with a specific URL assigned to each bounded portion so as to activate a URL when an area is selected, said area of bounded portion displayed in reverse color when activated (Mapedit Figures 4, 5, 10). Mapedit does not specifically teach a method of conforming the area automatically to content of the selected layer subsequent to editing of said layer. However, White teaches the rescaling of an image map area subsequent to the resizing of a web page to fit different display areas (White column 15 lines 24-37; compare with claim 12 "*conforming the area automatically to content of the selected layer*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of White to the method of Mapedit, because of White's taught advantage of scaling, providing a way for preserving an image map subsequent to changes in size of the the edited imagemap method as taught by Mapedit.

**In regard to dependent claim 21**, claim 21 reflects the computer program product comprising computer readable instructions used for implementing the method as claimed in claim 12, and is rejected along the same rationale.

12. **Claims 15-16, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit as applied to claims 1 and 5 above, and further in view of Nielsen, U.S. Patent No. 5,991,781 issued November 1999.**

**In regard to dependent claim 15**, claim 15 incorporates substantially significant subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

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Mapedit teaches multiple hot spot regions within an image (Mapedit Figure 5; compare with claim 15 "*the selected layer has two or more non-contiguous*", and "*...in a transparent frame*"). Mapedit does not specifically teach the inclusion of two or more non-transparent regions. However, Nielsen teaches at least two non-transparent regions (Nielsen Figures 1b, 11; compare with claim 15 "*...non-transparent...*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Nielsen to the method of Mapedit, because of Nielsen's taught advantage of non-transparent images, providing an alternate way to show regions within an image.

In addition, Mapedit teaches multiple hot spot regions within an image, said regions can encompass the entire image (Mapedit Figure 5; compare with claim 15 "*the area defined....regions in combination*").

**In regard to dependent claim 16**, claim 16 incorporates substantially significant subject matter as claimed in claim 15, and in further view of the following, is rejected along the same rationale.

Mapedit teaches a method whereby multiple image maps can be defined in different areas of an image (Mapedit Figure 4; compare with claim 16 line 2, "*generating multiple image maps*").

**In regard to dependent claims 24-25**, claims 24-25 reflect the computer program product comprising computer readable instructions used for implementing the methods as claimed in claims 15-16, respectively, and are rejected along the same rationale.

13. **Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mapedit as applied to claim 1 above, and further in view of Habermehl, U.S. Patent No. 5,956,701 issued September 1999.**

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**In regard to dependent claim 28**, Mapedit does not specifically teach calculating a hot spot area by utilizing the tracing of boundary perimeters. However, Habermehl teaches defining hot spot areas taking into account the boundaries of an area, said defining accomplished via neural net (Habermehl column 3 lines 35-40, Figures 3, 6; compare with claim 28). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Habermehl to Mapedit, because of Habermehl's taught advantage of calculating areas, providing a way for defining portions of an image using fewer inputs and less redundancy to Mapedit (Habermehl column 2 lines 59-61).

**14. Prior art made of record and not relied upon is considered pertinent to disclosure.**

Tarantino et al.                      U.S. Patent No. 6,192,393                      issued                      February 2001  
Microsoft Press Computer Dictionary, Third Edition, 1997 Microsoft Corporation, p.245.

***Response to Arguments***

15. Applicant's arguments filed 5/7/2001 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 6 of the amendment that Mapedit's overlapping polygon image maps do not amount to an electronic artwork having a plurality of layers, as per claim 1 and Applicant's specification. In addition to the subjectiveness of the phrase "electronic artwork", Mapedit adds a number of hotspot regions to an existing inputted graphic image. These hotspot region(s) can be visibly revealed along with said image. Moreover, Mapedit saves this mapping along with the image and corresponding HTML document. When this file is retrieved in the editor, the visible mapped regions are preserved, providing the user with artwork containing layered regions (discussed in a previous action). The "layering" of hotspot regions over

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an initial graphic, when saved and retrieved as a whole, at the very least, suggests to one of ordinary skill in the art an artwork (with layered hotspot regions). The Microsoft Press Dictionary (cited above, but not relied upon in current set of rejections), defines an image map (in part) that contains a photograph, drawing, or a composite of several different drawings or photographs (Microsoft Press Dictionary, p.245), further suggesting a multiplicity of components within an artwork.

In response to Applicant's assertion that the overlapping regions of Figures 17-18 are transparent, the color changes in Figures 17-18 of Mapedit suggests non-transparent regions when a particular region is activated (clicked).

Applicant argues on page 8 (top) of amendment, that Mapedit bases hotspot definition on manual input, and not based upon boundaries of combined non-transparent regions. The Examiner notes that an area of a single hotspot region is defined by its boundaries.

Applicant argues on page 9 of the amendment that White does not change a hotspot area to conform to content of a layer. The Examiner notes that White teaches the rescaling of an image map area subsequent to the resizing of a web page to fit different display areas, said rescaling incorporates hotspot size changes.

Applicant argues on page 9 of the amendment that Nielsen does not teach the limitations of claim 15. The Examiner notes that Nielsen teaches non-contiguous regions.

Applicant argues on page 9 of the amendment that Habermehl does not teach the limitations of claim 28. The Examiner notes that Habermehl teaches fitting a user selected shape to a boundary.

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***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this art unit is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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18. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

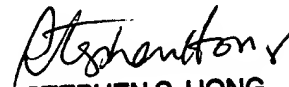
(703) 308-9051, (for formal communications intended for entry)

**or:**

(703) 305-9724 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).**

William L. Bashore  
7/17/2001

  
**STEPHEN S. HONG  
PRIMARY EXAMINER**